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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,874	05/09/2001	Seiji Tatsuta	960716RE/TL	5549

1933 7590 01/27/2003

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NEW YORK, NY 10017-2023

EXAMINER

ROGERS, SCOTT A

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,874

Applicant(s)

TATSUTA, SEIJI

Examiner

Scott A Rogers

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/764,136.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Reissue Applications

The reissue oath/declaration filed with this application is defective because it fails to contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant. See 37 CFR 1.175 and MPEP § 1414.

Claims 1-29 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Examiner acknowledges that the original ribboned copy of the patent has been surrendered.

Examiner acknowledges receipt of the Request For Corrected Filing Receipt filed 21 June 2001 which has been entered and the application corrected accordingly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-22, and 26-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohyama et al (US 5101096) in view of Kato et al (JP 4-139898).

Ohyama et al disclose an apparatus comprising:

code reading means (sensor 21) for reading a dot code from an information recording medium (optical recording sheet 1) on which multimedia (i.e., picture and audio) information in the form of a dot code which can be optically read (see col. 2, line 59 to col. 3, line 9);

binarization means (circuit 25) for generating binarized data, inherently by use of a predetermined threshold value, from an image signal corresponding to an image of the dot code read by said code reading means (see col. 4, lines 16-21); and

information reproducing means (device 23) for restoring binarized data generated by said binarization means to the multimedia information and for reproducing the multimedia information (see col. 4, lines 22-25),

said information recording medium comprising data dots which correspond to contents of multimedia information and which can optically be read, and a reference dot

used when said binarization means binarizes the image signal (see col. 1, line 65 to col. 3, line 3).

Ohyama et al do not disclose modifying the predetermined threshold used by said binarization means so that an area of the reference dot in an image of the dot code read by said code reading means approaches a predetermined target value.

However, Kato et al disclose modifying a predetermined binarization threshold value so that an area of an isolated reference dot in an image read by an optical reading means approaches a predetermined target value (see English abstract).

Even though in Ohyama et al, detection of the marker is facilitated without accurately adjusting the threshold level of the binary signal, it would never the less have been obvious to one of ordinary skill in the art to have modified Ohyama et al in to have included the reference mark recognition and threshold adjustment taught in Kato et al, whereby the binarization means in Ohyama et al modifies the threshold value used for binarization in order to have some measured improvement in correctly recognizing the area of the reference mark and binarizing of the dot code image signal.

It is noted that unlike applicant's first claim, the reference dot detection in Ohyama et al is performed by the information reproducing means rather than by the binarization means.

IMPORTANT REMINDERS:

Applicant is advised that for any error corrected, which is not covered by an oath or declaration, i.e., any error corrected after the filing of all declarations currently in the reissue application, applicant **MUST** submit a supplemental oath or declaration prior to allowance stating "[T]hat every such error arose without any deceptive intention on the part of the applicant" (37 CFR 1.175(b)(1)), or language equivalent thereto. See MPEP 1444 for handling supplemental oaths/declarations.

If a claim is amended during reissue prosecution, a parenthetical expression "(amended)," "(twice amended)," etc., should follow the original claim number. 37 CFR 1.173(b)(2). Alternatively, applicant may effectively re-write a claim by presenting it as a new (fully underlined) claim with a new claim number, and canceling the old claim. Brackets and underlining are to be used to reflect only those changes in the text from the ORIGINAL patented text and not from any previous amendment in the reissue application. § 1.173(g).

Each amendatory change, when first submitted, must be accompanied by an explanation of the support in the disclosure of the patent for the change (along with any additional comments) on page(s) separate from the page(s) containing the amendment. 37 CFR 1.173(c).

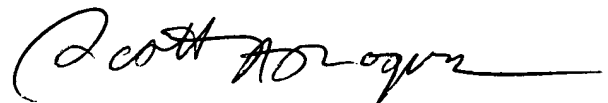
For compliance with all requirements when amending claims, see 37 CFR 1.173.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers by telephone at 703-305-4726 and by e-mail address at scott.rogers@uspto.gov.

The official fax number for Technology Center 2600 where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC 2600 Customer Service at 703-306-0377.

25 January 2003

A handwritten signature in black ink, appearing to read "Scott Rogers", with a long horizontal flourish extending to the right.

**SCOTT ROGERS
PRIMARY EXAMINER**